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PART II—Section 3—Sub-section (1)  
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## MINISTRY OF LABOUR AND EMPLOYMENT NOTIFICATION

*New Delhi, the 18th August 1958*

**G.S.R. 704.**—In supersession of the draft amendments published with the notification of the Government of India in the Ministry of Labour and Employment No. S.R.O. 4061, dated the 11th December 1957, on pages 2901-2902 of the Gazette of India, Part II, Section 3, dated the 21st December, 1957, the following draft of certain further amendments to the Minimum Wages (Central) Rules, 1950, which the Central Government proposes to make in exercise of the powers conferred by sub-sections (1) and (2) (f) of section 30 of the Minimum Wages Act, 1948 (11 of 1948), is published as required by sub-section (1) of that section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 3rd September, 1958.

2. Any objections or suggestions which may be received from any person with regard to the said draft before the date specified above will be considered by the Central Government.

### *Draft Amendments*

In the said rules,—

(1) in rule 22, for the words 'extracts from', the words 'abstracts of' shall be substituted;

(2) for rule 23, the following rule shall be substituted, namely:—

**"23. Weekly day of rest.**—(1) Subject to the provisions of this rule, an employee in a scheduled employment in respect of which minimum rates of wages have been fixed under the Act, shall be allowed a day of rest every week (hereinafter referred to as 'the rest day' for any employee or class of employees in that scheduled employment;

Provided that the employee has worked in the scheduled employment under the same employer for a continuous period of not less than six days;

Provided further that the employee shall be informed of the day fixed as the rest day and of any subsequent change in the rest day before the change is effected, by display of a notice to that effect in the place of employment at the place specified by the Inspector in this behalf.

*Explanation.*—For purposes of the first proviso to this sub-rule, an employee who is required to attend for work on any day but is given only an allowance for attendance and is not provided with work, shall be treated as having worked on that day.

(2) Any such employee shall not be required or allowed to work in a scheduled employment on the rest day unless—

- (a) he has or will have a substituted rest day for a whole day on one of the five days immediately before or after the rest day; and
- (b) prior intimation is given by the employer to the employee of his intention to require the employee to work on the rest day and also of the day which is to be substituted;

Provided that no substitution shall be made which will result in the employee working for more than ten days consecutively without a rest day for a whole day.

(3) Where in accordance with the foregoing provisions of this rule, any employee works on a rest day and has been given a substituted rest day on any one of the five days before or after the rest day, the said rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.

(4) An employee shall be granted for the rest day wages calculated at the rate applicable to the next preceeding day and in case he works on the rest day and has been given a substituted rest day, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceeding day;

provided that where the minimum daily rate of wages of the employee as notified under the Act has been worked out by dividing the minimum monthly rate of wages by twenty-six, no such wages for the rest day shall be payable, and in case the employee works on the rest day and has been given a substituted rest day, he shall be paid, only for the rest day on which he worked, an amount equal to the difference between the wages payable to him at the overtime rate and the wages payable to him at the ordinary rate; and if any doubt or difficulty arises whether the minimum daily rate of wages has been worked out as aforesaid, it shall be referred to the Chief Labour Commissioner (Central), New Delhi, for decision:

Provided further that in the case of an employee employed on piece work, the wages for the rest day, or, as the case may be, the rest day and the substituted rest day, shall be such as the Central Government may, by notification in the Gazette of India, prescribe, having regard to the minimum rate of wages fixed under the Act in respect of the scheduled employment; where, however, the actual wages paid for such employee are higher than the minimum rate of wages fixed under the Act, such higher wages shall be taken into consideration by the Central Government in so prescribing the wages;

*Explanation.*—In this sub-rule, 'next preceeding day' means the last day on which the employee has worked, which precedes the rest day or the substituted rest day, as the case may be; and where the substituted rest day falls on a day immediately after the rest day, the next preceeding day means the last day on which the employee has worked, which precedes the rest day.

(5) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the employee shall be entitled only to the more favourable terms aforesaid.

*Explanation.*—The word 'week' used in this rule will mean a period of seven days beginning at midnight on Saturday night";

(3) In Form IX-A, for the words 'extracts from' occurring in the heading, the words 'abstracts of' shall be substituted, and under the sub-heading 'TV Hours of Work and Holidays', for the paragraph—

"The employer shall allow a day of rest with pay in every period of seven days. Ordinarily Sunday the first day of the week shall be the holiday",

The following paragraph shall be substituted, namely:—

“The employer shall allow a day of rest with wages to the employees every week. Ordinarily Sunday will be the weekly day of rest, but any other day of the week may be fixed as such rest day. No employee shall be required to work on a day fixed as rest day, unless he is paid wages for that day at the over time rate and is also allowed a substituted rest day with wages. The employer shall give prior intimation to the employee if he is required to work on the rest day (see rule 23)”.

[No. LWI-1-3(19)/57.]

P. N. SHARMA, Under Secy.

